



NATIONAL ASSOCIATION  
OF REALTORS®

*The Voice for Real Estate®*

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REGULATORY & INDUSTRY  
RELATIONS

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Federal Trade Commission  
Office of the Secretary  
Room H-159 (Annex K)  
600 Pennsylvania Ave, N.W.  
Washington, D.C. 20580

**Re: TSR Prerecorded Call Prohibition and Call Abandonment Standard Modification, Project No. R411001, 71 Federal Register 192, 58716-58734 (October 4, 2006)**

Dear Sir or Madam:

On behalf of more than 1.3 million members of the **National Association of Realtors®** (NAR), I am pleased to offer comments on the Federal Trade Commission's (FTC) proposed amendments to the Telemarketing Sales Rule (TSR) to specifically prohibit unsolicited prerecorded telemarketing calls without the consumer's prior written agreement.

The National Association of REALTORS®, "The Voice for Real Estate," is America's largest trade association, including NAR's five commercial real estate institutes and its societies and councils. REALTORS® are involved in all aspects of the residential and commercial real estate industries and belong to one or more of some 1,500 local associations or boards, and 54 state and territory associations of REALTORS® and therefore has a significant interest in the outcome of this rulemaking process.

NAR respects the Commission's obligations to implement and enforce the amended TSR. However, we oppose any further erosion of Existing Business Relationship (EBR) safe harbor protections. Requiring an "express written agreement" even in the limited circumstances of prerecorded telemarketing calls sets an onerous precedent that we fear could be carried over to other types of contacts that fall under EBR exemptions under the TSR and other laws. Numerous industries rely on the ability to communicate with established customers in order to market products and services of demonstrated value to consumers. Setting a standard of express written agreement will no doubt have a chilling effect especially if carried beyond prerecorded calls.

Even in the limited circumstances of pre-recorded calls, it is doubtful consumers will be educated about nuances in the regulations that allow one type of call and not another, thus likely chilling relationships with firms and individuals who have a legitimate reason to call under existing regulations and due to an EBR.

In light of the above, NAR respectfully requests the FTC reconsider limiting EBR safe harbors and instead seek other means for consumers to assert their rights under an EBR such as the provision of a toll

free number or other means to opt-out of pre-recorded calls. We believe this approach properly protects consumer's rights while not imposing additional regulatory compliance costs or eroding EBR protections.

Thank you for the opportunity to present the views of the NATIONAL ASSOCIATION OF REALTORS®.

Sincerely,

Joseph M. Ventrone  
Managing Director  
Regulatory and Industry Relations